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Patent

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Naomi Burke Anker, et al.

Serial No.:

10/520,962

Case No.: MS0012YP

Art Unit: Unassigned

Filed:

January 10, 2005

Unassigned **Examiner:** Unassigned

For:

TREATMENT OF NEUROPATHIC PAIN WITH 6H-

PYRROLO[3,4-D]PYRIDAZINE COMPOUNDS

Mail Stop: PETITIONS
Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RECEIVED

7 MAR 2006

RENEWED PETITION AND REQUEST TO CORRECT INVENTORSHIP PURSUANT TO 37 CFR § 1.497

Legal Staff International Division

Sir:

Applicants respectfully renew their request to correct inventorship pursuant to 37 CFR §1.497.

The following person should be added as an inventor in the referenced application:

Tao Hu

8950 Costa Verde Blvd. Apt # 4341 San Diego, CA 92122

The referenced U.S. National Phase Application was filed as International Application No. PCT/US03/21493 on July 8, 2003, listing inventors Naomi Burke Anker, Jeannie M. Arruda, Brian Thomas Campbell, Benito Munoz, Petpiboon Prasit, Brian A. Stearns. Tao Hu was unintentionally omitted as an inventor. The omission was detected upon a review of the instant National Phase Application and was confirmed by Merck attorney David Rubin. The omission was inadvertent, and was made without any deceptive intent on the part of Mr. Rubin, Tao Hu or any of the originally listed inventors. Moreover, the omission of Tao Hu was detected only after the deadline for adding inventors to the International Application pursuant to Rule 92bis had passed.

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USSN: 10/520,962 Case No. MS0012YP Page 2

In support of this Request, enclosed please find:

- (1) Statement of Inventor Tao Hu;
- (2) Copy of oath executed by all inventors (original submitted with a Response to Notice to Missing Part of Application filed November 23, 2005);
- (3) Copy of Assignment to Merck & Co., Inc. by all inventors (submitted for recordation February 8, 2006); and
- (4) Merck & Co., Inc. General Corporate Resolution No. 5.

Applicants' original "Request to Correct Inventorship Pursuant to 37 CFR § 1.497" submitted November 23, 2005 was dismissed because it did not include a statement of consent on behalf of assignee Merck & Co., Inc. The undersigned is authorized to act on behalf of Merck & Co., Inc. in connection with patent matters (see General Corporate Resolution No. 5). The undersigned hereby consents to the addition of inventor Tao Hu.

Please charge the processing fee set forth in §1.17(i), and any other appropriate fee, to Deposit Account No. 13-2755.

Respectfully submitted,

David L. Rose Reg. No. 26,332

Attorney for Applicants

MERCK & CO., Inc.

P.O. Box 2000

Rahway, NJ 07065-0907

(732) 594-4777

Date: February 9, 2006



Patent IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Naomi Burke Anker, et al.

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TREATMENT OF NEUROPATHIC PAIN WITH 6H-

PYRROLO[3,4-D]PYRIDAZINE COMPOUNDS

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

STATEMENT OF INVENTOR TAO HU

Sir:

- I have reviewed U.S. Patent Application No. 10/520,962, including the claims contained therein. I have been informed by patent counsel that U.S. Patent Application No. 10/520,962 is the U.S. national phase application based on international application PCT/US03/21493.
- 2. I am an inventor of subject matter claimed in U.S. Patent Application No. 10/520,962, along with co-inventors Naomi Burke Anker, Jeannie M. Arruda, Brian Thomas Campbell, Benito Munoz, Petpiboon Prasit, Brian A. Stearns.
- I was erroneously not listed as an inventor in international application PCT/US03/21493. The error in not listing me was made without deceptive intent on my part or the part of the inventors listed on the international application.
- It appears that due to a clerical error only the inventors listed on U.S. Provisional Patent Application No. 60/394,734 (from which the referenced U.S. Non-Provisional Patent Application claims priority) were listed as inventors for the International Application. Only upon review of the referenced national phase application was it noticed that my name was omitted as an inventor.

Dated: NOV - 22 - 2005

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DECLARATIO	ON AND	Attorney Docket Number	MS0012Y				
POWER OF ATT	FORNEY	First Named Inventor	N. B. Anker, et al.				
PATENT APPLI		C	OMPLETE IF KNOWN				
(37 CFR 1.6		Application Number					
Declaration	Declaration Submitted after Initial	Filing Date					
Submitted with Initial OR Filing	Filing (surcharge (37 CFR 1.16 (e))	Group Art Unit					
	required)	Examiner Name					
I believe I am the original, firs names are listed below) of the TREATMENT OF NEUROPAT	subject matter which	is claimed and for which a par	v) or an original, first and joint invertent is sought on the invention entitle ZINE COMPOUNDS	ntor (if p ed:			
the specification of which		(Title of the Invention)					
bears the Attorney Docke	et Number and Title o	of the Invention noted above					
is attached hereto OR was filed on (MM/DD/YYYY) 07/08/2003 as United States Application Number or PCT International Application Number PCT/US03/21493 and was amended on (MM/DD/YYYY) (if applicable). I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as							
I hereby state that I have review amended by any amendment s							
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DECLARATION ANT OWER OF ATTORNEY for Utility Design Patent Application

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DECLARATION AND 1 JWER OF ATTORNEY

DITIONAL INVENTOR(S) Supplemental Sheet

Name of Additional Joint Inventor, if any: Given Name (first and middle [if any]) Arouda Arouda														
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Name of Additional Joint Inventor, if any: Given Name (first and middle [if any]) Petpiboon Inventor's Signature Residence: City San Diego State CA Country US Citizenship CA Mailing Address Merck & Co., Inc., MRLSDB1, 3535 General Atomics Court			Merck & Co., Inc., MRL	SDB1,	3535 Ge	eneral .	Atomics	Court	: 					
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Prasit Inventor's Signature Residence: City Mailing Address Prasit Date /2 /ANOS Citizenship CA Country US Citizenship CA	Name of Addition	al J	oint Inventor, if any:				Ape	tition	has bee	n filed i	or this	unsigned i	nventor	
Inventor's Signature Residence: City Mailing Address Date /2 JANOS Country US Citizenship CA Merck & Co., Inc., MRLSDB1, 3535 General Atomics Court	Given Name (first and middle [if any])					Family Name or Surname								
Residence: City San Diego State CA Country US Citizenship CA Mailing Address Merck & Co., Inc., MRLSDB1, 3535 General Atomics Court	Petpiboon					P	rasit							
City Mailing Address Merck & Co., Inc., MRLSDB1, 3535 General Atomics Court					Date 12 JANOS				5					
Address Melck & Co., Inc., MRLSDB1, 3333 General Atomics Count		San	Diego	State	CA		Country US C			Citize	Citizenship CA			
City San Diego State CA ZIP 92121 Country U.S.A.			Merck & Co., Inc., MRL	SDB1, 3	3535 Ge	neral A	al Atomics Court							
	City San Diego					Sta	te CA		ZIP	92121		Count	ry U.S	S.A.

DECLARATION AND 1 JWER OF ATTORNEY

JDITIONAL INVENTOR(S) Supplemental Sheet

	_									_		_	
Name of Additional Joint Inventor, if any:					A petition has been filed for this unsigned inventor								
Given Name (first and middle [if				1		Family Name or Surname							
Brian A.						Steams							
Inventor's Signature		NU	1						Date	J	in 1	2	, 2005
Residence: City	San	San Diego State CA				Country	yUS	3		Citizenship US			
Mailing Address		Merck & Co., Inc., MR	LSDB1,	3535 C	Genera	eral Atomics Court							
City		San Diego	_		s	tate CA		ZIP	92121		Coun	try	U.S.A.
Name of Addition	nal J	oint Inventor, if any:			[A peti	tion h	nas be	en filed	for this	unsigne	d inv	entor
Give	n Na	ame (first and middle [i	f any])					Fa	mily N	ame or	Surnar	ne	
Тао						Hu							
Inventor's Signature		(W	II.	du					Date	Jo	un -	ر م	2-2005
Residence: City	San	Diego	State	CA		Country	us			Citize	nship	Chi	na
Mailing Address	Merck & Co., Inc., MRLSDB1, 3535 General Atomics Court												
City		San Diego	•		Stat	e CA	z	IP 9	2121		Count	ry	U.S.A.
Name of Addition	ıal J	oint Inventor, if any:		A petition has been filed for this unsigned inventor							entor		
Give	n Na	me (first and middle [i	f any])	any]) Family Name or Surname									
Inventor's Signature									Date			<u>-</u>	
Residence:	_	···	State			Country	,			Citize	nship		
City Mailing Address			1.	1		I	<u>.l.</u>			<u> </u>			
City		Rahway			State	e	ZIP	0706	55-0907	-	Countr	y	•
Name of Additional Joint Inventor, if any:				A petition has been filed for this unsigned invento						entor			
Given Name (first and middle [if				any])				Family Name or Surname					
Inventor's Signature									Date				
Residence: City			State			Country		I		Citize	nship	-	
Mailing Address													
City		Rahway		s	State	NJ	ZIP	0706	55-0907		Count	ry	

			Attorney Docket N	umber MS0012Y
				al No.
	ASSIGNMEN	T AND AGREEM	ENT Filing	g Date
For value received, we, Naom Brian	ni Burke Anker; Jeannie M A. Stearns	I. Arruda; Brian Thomas	s Campbell; Benito M	unoz; Petpiboon Prasit;
of 355 Marlborough St #1, Boston MA 92019; 10741 Frank Daniels Way, S Diego, CA 92104				
hereby sell, assign and transfer to MERO	CK & CO., Inc., a corpora	tion of the State of New	Jersey, having an offi	ce at Lincoln Avenue,
City of Rahway, State of New Jersey, an	d its successors, assigns a	nd legal representatives.	our entire right, title	and interest, for all
countries, in and to certain inventions re-	lating to			
described in an application for Patents ha	-		nd in application(s) Se	
filed on 07/11/2002; Serial No.	filed on	; Serial No.	filed on	(if applicable),
TREATMENT OF NEUROPATHIC PA				
and all our rights and privileges, including	ng any and all benefits und	der the International Cor	nvention for the Protec	ction of Industrial
Property, under any and all Patents which	ch may be granted therefor	r, and under any and all	extensions, divisional	s, reissues and
continuations of said application for Pate	ents, including any foreigr	applications derived th	erefrom, equivalent th	ereto or claiming
priority thereof.				
We request that any and all Pate	ents for said inventions be	issued to said assignee,	its successor, assigns	and legal
representatives, or to such nominees as it	t may designate.			
We agree that, when requested,	we will, without charge to	said assignee but at its	expense, sign all pape	ers, take all rightful
oaths, and do all acts which may be nece	ssary, desirable or conver	nient for securing and ma	aintaining Patents for s	said inventions in any
and all countries and for vesting title there	reto in said assignee, its si	accessors, assigns and le	gal representatives or	nominees.
We covenant with said assignee	e, its successors, assigns ar	nd legal representatives,	that the rights and pro	perty herein conveyed
are free and clear of any encumbrance, a	nd that we have full right	to convey the same as he	erein expressed.	
We hereby authorize our attorne	Y. David Rubin	or an attorne	y with Power of Attor	ney in this application,
of the said MERCK & CO., Inc., to inser		ng Date(s) of said applic	cation(s) when known.	
Signed at Van Diogo (he	expersion this 114	day of Lune	2003	
				$\overline{}$
Jeannie M. Arruda		Brian	homas Campbell	
T May			- SIVI	<u> </u>
Benito Munoz		- Petpibo	oon Prasit	
Brian A. Spearns				

PATEN

·	PATE Attorney Docket Number MS0012Y
ASSIGNMENT AND AGR	U.S. Serial No EEEMENT Filing Date
County of Man Riego SS.	
Personally appeared before me the above-named Jeannie M. Arruda Campbell Petpiboo	Benito Munoz Brian A. Stearns Brian Thomas on Prasit
to me known and known to me to be the person(s) who executed the foregoing their free act and deed this	
Signed at Boston, 1948 this 11 day of 3	Naomi Burke Anker
Boston M455 County of Suffock Personally appeared before me the above-named Naomi Burke Anker	-
to me known and known to me to be the person(s) who executed the foregoing inst their free act and deed this $\frac{1}{1+1}$ day of $\frac{3003}{1+1}$	rument and acknowledged said instrument to be
	John R. Raboul Notary Public COMMISSION EXPIRES - 16 - 06

. Attorne ASSIGNMENT AND AGREEMENT	PATEN by Docket Number MS0012Y U.S. Serial No Filing Date
For value received, we, Tao Hu	-
of 8950 Costa Verde Blvd. Apt # 4341, San Diego, CA 92122	
hereby sell, assign and transfer to MERCK & CO., Inc., a corporation of the State of New Jersey, h	naving an office at Lincoln Avenue,
City of Rahway, State of New Jersey, and its successors, assigns and legal representatives, our entire	re right, title and interest, for all
countries, in and to certain inventions relating to TREATMENT OF NEUROPATHIC PAIN WITH 6H-PYRROLO[3,4-D]PYRIDA	AZINE COMPOUNDS
described in an application for Patents having Attorney Docket Number MS0012PV and in appl filed on 07/11/2002; Serial No. filed on ; Serial No. filed on	ication(s)Serial No. 60/394,734 on (if applicable),
and all our rights and privileges, including any and all benefits under the International Convention	
Property, under any and all Patents which may be granted therefor, and under any and all extension	
continuations of said application for Patents, including any foreign applications derived therefrom,	equivalent thereto or claiming
priority thereof.	
We request that any and all Patents for said inventions be issued to said assignee, its successions	ssor, assigns and legal
representatives, or to such nominees as it may designate.	
We agree that, when requested, we will, without charge to said assignee but at its expense,	sign all papers, take all rightful
oaths, and do all acts which may be necessary, desirable or convenient for securing and maintaining	Patents for said inventions in any
and all countries and for vesting title thereto in said assignee, its successors, assigns and legal repres	sentatives or nominees.
We covenant with said assignee, its successors, assigns and legal representatives, that the re-	ights and property herein conveyed
are free and clear of any encumbrance, and that we have full right to convey the same as herein expe	ressed.
We hereby authorize our attorney, <u>David Rubin</u> or an attorney with Pow of the said MERCK & CO., Inc., to insert Serial No., (s) and Filing Date(s) of said application(s) v Signed at <u>San Diego</u> , <u>CA</u> this <u>12 th</u> day of <u>January</u> , 200 Tao Hu	wer of Attorney in this application, when known.

•		Attorney Dock	et Number MS0012Y
			Serial No.
	ASSIGNMENT AND AG	REEMENT F	Filing Date
State of Clifarica County of Law Diego	_		
Personally appeared before me the a	above-named Tao Hu		
to me known and known to me to be the per their free act and deed this CATHARINE STUHLER Commission # 1428653 Notary Public - Californic San Diego County My Comm. Expires Aug 1, 20	day of Januarez, 200		
Signed at	_ this day of	,	
County of	$\left.\begin{array}{c} - \\ - \end{array}\right> $ ss.		
Personally appeared before me the above	ve-named		
to me known and known to me to be the person(their free act and deed this day c			ed said instrument to be

Notary Public

General Corporate Resolution #5

PATENT MATTERS

RESOLVED, that any of the following:

Richard T. Clark-Chief Executive Officer and President
Kenneth C. Frazier-Senior Vice President and General Counsel
Joseph F. DiPrima-Vice President and Assistant General Counsel
Paul D. Matukaitis-Vice President and Assistant General Counsel
William Krovatin-Counsel, IP Litigation
Edward W. Murray-Counsel, IP Litigation
Charles M. Caruso-Counsel, International
Valerie J. Camara-Counsel, Patents
Mark R. Daniel-Counsel, Patents
Joanne M. Giesser-Counsel, Patents
Anthony Rollins-Counsel, European Patents
David L. Rose-Counsel, Patents
Jack L. Tribble-Counsel, Patents
Melvin Winokur-Counsel, Patents
Donna L. Margiotto-Senior Manager, Patent Administration

are authorized to execute and to revoke on behalf of Merck & Co., Inc. and its affiliates (including subsidiaries) the following documents relating to patent matters:

Powers of attorney as fully in law as may be necessary and proper in connection with the acquisition, registration, maintenance and enforcement of patents and applications for patents, including powers of attorney relating to the prosecution or defense of patent rights before courts of law or other governmental tribunals, agencies or departments; affidavits and declarations; and any other documents which are necessary and proper for the acquisition, registration, maintenance, litigation and protection of patents.



CERTIFICATION

I, Debra A. Bollwage, Senior Assistant Secretary of Merck & Co., Inc. (the "Company"), a corporation duly organized and existing under the laws of the State of New Jersey, do hereby certify that the attached, presently in full force and effect, is a true and correct copy of General Corporate Resolution #5, Patent Matters, as amended by the Board of Directors of said Company at a meeting duly called and held on May 24, 2005.

IN WITNESS WHEREOF, I have hereunto subscribed my signature and affixed the seal of the Company this 27th day of June 2005.

Senior Assistant Secretary

(SEAL)